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District of Arizona*

FOR IMMEDIATE RELEASE
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MEXICAN NATIONAL FOUND GUILTY OF ASSAULTING BORDER PATROL AGENT WITH HANDGUN

PHOENIX - Rafael Rivera-Alonzo, 34, a Mexican national, was found guilty of Assault on a Federal Officer by a federal jury in Phoenix on June 6. The case was tried before United States District Court Judge Stephen M. McNamee from June 5 to June 6. Sentencing is set before Judge McNamee on August 27.

The evidence at trial showed that on July 15, 2006, the defendant had just crossed the U.S.-Mexico border into San Luis, Arizona when he was pursued by Border Patrol Agent Alex Mendoza. When Agent Mendoza moved in to arrest the defendant, the defendant fought Agent Mendoza and wrestled Agent Mendoza's service handgun free from Agent Mendoza's grasp. During the struggle, the firearm was rendered inoperable, but neither man knew that at the time. After the defendant had control of the gun, the defendant tried to operate it and shoot at Agent Mendoza. Agent Mendoza's partner arrived on the scene and assisted Agent Mendoza in subduing the defendant.

A conviction for assaulting a federal officer with a dangerous weapon carries a maximum penalty of 20 years in prison, a \$250,000 fine or both. In determining an actual sentence, Judge McNamee will consult the U.S. Sentencing Guidelines, which provide appropriate sentencing ranges. The judge, however, is not bound by those guidelines in determining a sentence.

The investigation leading to the guilty verdict was conducted by the Federal Bureau of Investigation and the United States Border Patrol.

The prosecution was handled by Kurt M. Altman and Alison S. Bachus, Assistant U.S. Attorneys, District of Arizona, Phoenix.

CASE NUMBER: CR-06-748-PHX-SMM
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